

DETAILED ACTION

Because the Office action of 10 April 2008 was mailed to the incorrect address, the reply period is hereby restarted.

Information Disclosure Statement

Many of the references in the information disclosure statement filed 5 February 2008 have not been considered because the abstracts alone are not sufficient in this instance in order to properly consider the references. The information disclosure statement has been placed in the application file, but these references referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing elements will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

The drawings are objected to because they do not adequately illustrate the invention. A third view, neither completely plan nor profile, which clearly shows a three dimensional view of the structure is required. Applicant is referred to Figure 6 of WO 01/94702 as an example of the suggested point of view for this additional drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing

on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recited a method in the preamble, but does not recite any method steps. This claim has been treated as a road system, in accordance with the parent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-20 rejected under 35 U.S.C. 102(b) as being anticipated by Lee (WO 01/94702).

Looking to Figure 2, Lee discloses a multi-level road system. Each of the levels have a similar width and are arranged in a grid pattern. Regarding the intended use limitations (i.e., "for motor vehicles" and "for non-motor vehicles"), this adds no patentable weight to the road system because it is known that both motorized and non-motorized vehicles use roadways. Further, it is noted that even if a road is designated for use by one of motorized or non-motorized vehicles, actually using the road by the other type of vehicle on this road does not affect the configuration (i.e., patentable structure) of the system.

Regarding the extensive use of the term "and/or" in the claims, note that this term has been treated broadly as "or," since the presence of only a single one of the options is sufficient to meet claim recitations.

There is a ramp.

Lee discloses sidewalks.

Regarding the general terms of "turnaround passageway," "minor arterial," "U-turn road," "special ramp," etc., note that there are no structural recitations with regard to any of these terms. Because three orthogonal road segments in Lee would create a U shape, this broadly meets U-

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turn road and turnaround passageway, for example. Similarly, there is nothing recited which distinguishes a minor arterial or a special ramp from another arterial or any other ramp, respectively. For these reasons, these limitations are met by Lee.

Vehicles could travel in a manner within the scope of claim 20 recitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary Hartmann/
Primary Examiner, Art Unit 3671